S.B.Civil Writ Petition NO.3106/2002

M/s. Anand Food Products

vs

Rajasthan State Industrial Development & Investment Corproation Ltd. & Ors.

DATE OF ORDER : - 14.2.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. Sanjay Mathur, for the petitioner.
Mr. V.K. Mathur, for the respondents.

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Heard learned counsel for the parties.

Brief facts of the case are that petitioner applied for allotment of industrial plot as back as on 7th May, 1990. According to petitioner,he submitted banker's cheque of Rs.500/-, which was the fees for registration and also submitted a demand draft of Rs.75,000/- against the cost of the industrial plot. The said application alongwith all the amount tendered by the petitioner was returned to the petitioner on 23rd May, 1990. The petitioner again submitted application for allotment of plot on 21st Sept., 1990 by giving reference of his earlier application dated 7th May, 1990. According to petitioner, the industrial plot was not allotted to the petitioner on the ground that vacant plots

were not available at the time, but in fact, the vacant plots were available in the area, therefore, he submitted the application again. According to petitioner, he was informed by letter dated 1.8.1991 (Annex.1) that his priority number is six. According to petitioner by this communication dated 1.8.1991, the non- petitioner again informed that there is no vacant plot available and whenever vacant plot will be available, the petitioner's application will be considered.

The petitioner went on submitting one after another representation to the RIICO for allotment of the land and after failing in getting any relief, the petitioner preferred writ petition, which was registered as S.B.Civil Writ Petition No.439/1993 before this court. The said writ petition was decided by this court alongwith other identical writ petitions vide order dated 19th April, 2002 and the petitioner firm was directed to submit representation before the respondent RIICO within four weeks from the date of order. The respondents were directed to decide the representation of the petitioner by speaking order after giving opportunity of hearing to the petitioner.

The petitioner's representation was considered by the RIICO vide order dated 8th July, 2002. The RIICO authorities dealtwith all the grounds raised by the petitioner about his claim for priority allotment of industrial plot and rejected petitioner's claim by order dated 8th July,

2002 after holding that no plot was available for allotment at the relevant time and contention of the petitioner that some of the plots were allotted in between 7th May, 1990 to 24th June, 1991 was also rejected. The RIICO authorities also reached to the conclusion that in fact, no priority number was fixed and mere mentioning that whenever vacant plots will be available, the case of the petitioner will be considered, cannot give any right to the petitioner to claim any priority for the allotment of the industrial plot. There is a reference of Rule 5 of RIICO Disposal of Land Rules, 1979, which provides disposal of the industrial plots by auction. On these grounds, the claim of the petitioner was dismissed by the RIICO vide order dated 8th July, 2002 (Annex.38). The petitioner is aggrieved against the said order.

The contention of the petitioner is that the plot no.64(B) is lying vacant. According to rule 5 the Corporation has right to reserve certain plots in the Industrial Area which it may dispose of by public auction for which the terms and condition governing auction shall apply, but at the same time, it is not in dispute that this exercise is required to be made at the time of framing of the scheme of development of the industrial area. According to petitioner, the respondent framed the scheme and took a decision for disposal of the plot by way of auction subsequent and, therefore, the petitioner can be allotted the land for the purpose of establishing industrial unit as he applied for the plot in the year 1990

and paid the consideration in the year 1990 and he has been given priority number six.

I considered the submissions of learned counsel for the petitioner. In the light of the facts referred above, it is clear that the petitioner applied for the allotment of the land on 7th May, 1990 and the petitioner's application alongwith amount tendered by the petitioner were returned to the petitioner on 23rd May, 1990. The petitioner preferred first writ petition in the year 1993 only and the petitioner's case was considered by the RIICO authorities after giving opportunity of hearing to the petitioner in pursuance of the order passed by this court in S.B.Civil Writ Petition No.439/1993 dated 19th April, 2002.

In these facts and circumstances, all the factual aspects were considered again by the RIICO and it has been held that neither vacant plot was available nor any other plot was allotted to any other person and plots could have been disposed of by auction only. The petitioner cannot claim any right over any plot nor he has any right to claim priority in the allotment of the industrial plot for which he submitted his application in the year 1990 and he took the application back on returning the application by the RIICO authorities alongwith money tendered by the petitioner now in the year 2005, particularly in view of the fact that the respondents' contention is that the industrial plot can

be disposed of by auction. The stand taken by the respondents appears to be just and in accordance with the rules framed for disposal of the land.

In view of the above, I do not find any merit in this writ petition and the same is hereby dismissed.

(Prakash Tatia), J.

c.p.goyal/-